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Ser. No.: 10/673,063 Filing Date: September 26, 2003 Docket No. ISIS0173-100 (ISPH-0787)
Matter No.: 160293
Title: Antisense Modulation Of MyD88 Expression Pages to Follow: 6
Sender's Name: Paul K. Legaard Date: July 21, 2005

RECIPIENT(S)	COMPANY/FIRM	FAX
James Schultz	USPTO	(571) 273-8300

MESSAGE: OFFICIAL FAX

PLEASE DELIVER TO EXAMINER JAMES SCHULTZ
ATTACHED IS:

1. Transmittal Form (1 page)
2. Response to Restriction Requirement (3 pages)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/673,063
		Filing Date	September 26, 2003
		First Named Inventor	James Karras
		Art Unit	1635
		Examiner Name	James Schultz
Total Number of Pages in This Submission		Attorney Docket Number	ISIS0173-100 (ISPH-0787)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Cozen O'Connor, P.C.		
Signature			
Printed Name	Paul K. Legaard		
Date	July 21, 2005	Reg. No.	38,534


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JUL 21 2005**DOCKET NO.: ISIS0173-100 (ISPH-0787)****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant: **Karras and Dobie**Serial No.: **10/673,063**Group Art Unit: **1635**Filed: **September 26, 2003**Examiner: **James Schultz**Title: **Antisense Modulation Of MyD88 Expression****Certificate of Facsimile Transmission**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to facsimile number (571) 273-8300 on the date shown below.

On **21 JULY 2005**
Paul K. Legaard Reg. No. 38,534

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Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

The present paper constitutes a response to the Restriction Requirement dated December 28, 2004 and the PTO Communication dated May 21, 2005 in connection with the above-identified application. The period for responding to the Office Action has been extended, by enclosure of a petition and appropriate fee, to and through July 31, 2005.

Claims 1-15 are pending in the present application. Claims 1-15 have been subjected to a restriction requirement. Claim 1 recites three target regions: 1) nucleobases 220 through 257, 2) nucleobases 724 through 769, and 3) nucleobases 900 through 943. Applicants were requested to "elect one (1) target region and its corresponding antisense sequence from claim 1."

Applicants herein elect the target sequence of nucleobases 900 through 943 and SEQ ID NO:73, with traverse. Even if the Examiner still considers the target regions recited in claim 1 to be patentably distinct, §803 of the M.P.E.P. mandates two criteria for a proper

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requirement for restriction: 1) the inventions must be independent or distinct; and 2) there must be a serious burden on the examiner. For purposes of initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in M.P.E.P. §808.02. Significantly, the Examiner has not met the *prima facie* burden. Indeed, the Examiner has not shown separate status in the art, a requirement for a different field of search, or different classification. Accordingly, all target regions recited in claim 1 should be examined in the present application without restriction.

In addition, Applicants' undersigned representative does not quite understand the reasoning for apparently requesting Applicants to elect, in addition to the target region, "its corresponding antisense sequence." Indeed, claim 1 (even in view of the present restriction) recites compounds that are 5 to 50 nucleobases in length and targeted to the elected region (i.e., nucleobases 900 through 943) of the nucleic acid molecule encoding MyD88 (SEQ ID NO:3). Examples of particular compounds that are targeted to the elected region are recited in claim 3 and include SEQ ID NOs: 73, 74, 75, 76, and 77. Applicants' election of the target region of nucleobases 900 through 943 should not be construed to embrace only one compound that comprises 44 nucleobases that is complementary to nucleobases 900 through 943.

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Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121. The Examiner is invited to contact Applicant's undersigned representative at (215) 665-6914 if there are any questions regarding Applicant's claimed invention. In addition, a new Power of Attorney will be forthcoming.

Respectfully submitted,


Paul K. Legaard, Ph.D.
Registration No. 38,534

Date: 21 July 2005

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